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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME FOR
HEARING ON DEBTOR'S
EMERGENCY FIRST DAY MOTIONS
AND LIMITING NOTICE THEREOF**

Cash Cloud, Inc., dba Coin Cloud ("Debtor"), debtor and debtor in possession in the above-captioned case (the "Chapter 11 Case"), hereby submits this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on *Debtor's Emergency First Day Motions* (as defined herein).

Specifically, Debtor has filed the following emergency first day motions (collectively, the "Emergency First Day Motions");

1. *Emergency First Day Motion Pursuant to 11 U.S.C. § 521, Fed. R. Bankr. P. 1007 and Local Rule 1007 for Order Extending Time to File Schedules and Statement of Financial Affairs* ("Schedules Motion");

2. *Emergency First Day Motion for An Order (1) Prohibiting Utilities from Altering, Refusing or Discontinuing Service; (2) Authorizing Ordinary Course Payments to Utilities; (3) Deeming Utilities Adequately Assured of Future Performance; and (4) Establishing Procedures for Determining Requests for Additional Adequate Assurance (“Utilities Motion”);*
3. *Emergency First Day Motion for Order Pursuant to 11 U.S.C. §§ 363, 1107 and 1108 (I) Authorizing Continued Use of Prepetition Bank Accounts; and (II) Granting Related Relief (the “Cash Management Motion”);*
4. *Emergency Motion for Interim and Final Orders: (I) Authorizing Debtor to Pay Prepetition Employee Wages and Benefits; and (II) Authorizing and Directing Financial Institutions to Honor Checks and Transfers Related to Such Obligations (the “Wage and Benefit Motion”);*
5. *Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Debtor to Payprepetition Vendor Liabilities and (II) Authorizing and Directing Financial Institutions to Receive, Process, Honor and Pay All Checks Issued Relating to Vendor Liabilities (the “Critical Vendor Motion”);*
6. *Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtor to (I) Maintain and Administer Customer Programs and Deposits; and (II) Honor Prepetition Obligations Related Thereto (the “Customer Programs Motion”);*
7. *Emergency First Day Motion for Entry of Interim and Final Orders (I) Authorizing the Payment of Certain Taxes and Fees and (II) Granting Related Relief (the “Tax Motion”);*
8. *Motion for Order Establishing Certain Case Management, Notice and Administrative Procedures (the “Case Management Procedures Motion”);*
9. *Application for Order Authorizing Retention and Employment of Fox Rothschild LLP, as Debtor’s Counsel, Effective as of the Petition Date (“Fox Application”);*
10. *Application for Order Authorizing Retention and Employment of Province LLC as Debtor’s Financial Advisor, Effective as of the Petition Date (“Province Application”); and*
11. *Emergency First Day Application for Order Authorizing Retention and Employment of Stretto, Inc. as Claims, Noticing, and Solicitation Agent Effective as of the Petition Date (“Stretto Employment Application”).*

The Emergency First Day Motions are based on the *Omnibus Declaration of Christopher Andrew McAlary in Support of Emergency First Day Motions (“Omnibus Declaration”)* filed

1 concurrently therewith.

2 By this Application, Debtor respectfully requests that the Court enter an order: (i) setting an
3 emergency hearing on the Emergency First Day Motions for February 10, 2023 (the “Emergency
4 First Day Hearing”), (ii) directing Debtor to serve notice of the Emergency First Day Hearing in
5 accordance with the procedure set forth in section III below; (iii) approving the form and scope of
6 notice of the Emergency First Day Motions described in section III below and providing that no
7 other notice of the Emergency First Day Motions need be given under the circumstances.

8 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court
9 hear the Emergency First Day Motions on an order shortening time, and grant such other and further
10 relief as may be just and proper.

11 DATED this 8th day of February 2023.

12 **FOX ROTHSCHILD LLP**

13 By: /s/Brett Axelrod

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20 **POINTS AND AUTHORITIES**

21 **I.**

22 As set forth in the Emergency First Day Motions and the Omnibus Declaration, it is
23 necessary for the Court to hear the Emergency First Day Motions on an expedited basis in order to
24 permit Debtor to transition smoothly into chapter 11 with minimal disruption and streamline the
25 administration of this Chapter 11 Case.
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Based on the foregoing, and for the other reasons set forth in the Emergency First Day Motions, Debtor requests that the Court set a hearing on the Emergency First Day Motions for February 10, 2023.

The proposed shortening of time will not adversely impact any party's ability to respond to the Emergency First Day Motions, since the parties have had notice of the Emergency First Day Motions as described herein. Further, the proposed shortening of time will still allow for compliance with Rule 4001(d) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), which provides that objections, if any, to the Emergency First Day Motions may be filed and served within the time fixed by the Court. Fed. R. Bankr. P. 4001(d)(2).

II.

LEGAL ARGUMENT

A. The Relief Is Authorized by Rule 9006 and Meets Due Process Requirements.

Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and a party to file an ex parte motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides in relevant part:

In General. Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1).

Courts have generally acknowledged that such expedited relief does not violate due process rights, *even if the motion to shorten time is made ex parte*. "Bankruptcy Rule 9006(c) permits the bankruptcy court 'for cause shown' in its discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for material reductions in the notice period are routinely granted by bankruptcy courts." Hester v. NCNB Texas Nat'l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019); In re Gledhill, 76 F.3d 1070 (10th Cir. 1996).

The Court's decision to reduce the notice period under Bankruptcy Rule 9006 will allow Debtor to reduce the administrative costs and eliminate duplication in the Debtors' related cases.

1 Accordingly, Debtor believes it is appropriate that the Emergency First Day Motions be heard on
2 an order shortening time.

3 **B. Debtor's Counsel Has Conferred With The Notice Parties.**

4 Debtor's counsel consulted the Notice Parties as shown on the Attorney Information Sheet
5 For Proposed Order Shortening Time (filed concurrently herewith and incorporated by reference
6 herein) and provided the Office of the United States Trustee and Debtor's secured lenders with
7 copies of all Emergency First Day Motions.

8 **III.**

9 **NOTICE**

10 Upon the Court's entry of an order approving this Application, Debtor will serve the
11 Emergency First Day Motions and the Omnibus Declaration via overnight mail, facsimile or
12 electronic mail on: (i) Debtor's 20 largest unsecured creditors; (ii) Debtor's secured creditors and
13 lienholders of record; (iii) the Office of the United States Trustee for the District of Nevada; (iv) the
14 federal and state governmental units required by Local Bankruptcy Rule 2002(a)(6); and (v)
15 Debtor's utility providers.

16 Debtor submits that such notice is adequate and appropriate under the circumstances and
17 that no other or further notice of the Emergency First Day Motions and the Emergency First Day
18 Hearing need be given.

IV.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Emergency First Day Motions on an order shortening time, and grant such other and further relief as may be just and proper.

DATED this 8th day of February 2023.

FOX ROTHSCHILD LLP

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